

REMARKS

Claims 1-26 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-26 of U.S. Patent No. 6,724,722 (“the ‘722 Patent”). The rejection was described as a statutory type double-patenting rejection.

Applicants respectfully disagree and traverse this rejection for at least the following reasons.

As the Examiner has pointed out in the Office Action, a statutory type double-patenting rejection requires the finding that the claims of the present invention are co-extensive with those in the ‘722 Patent such that the claims represent the same invention. Applicants respectfully submit that the claims of the present invention do not represent the same invention as those in the ‘722 Patent.

Each of the independent claims, and therefore all the claims, are directed at, among other things, a method of managing traffic flow across links of an information network, comprising, ... “selecting a path with consideration to minimizing the maximum value of link utilization based on each cost metric.” This minimization step is not a claimed feature of the ‘722 Patent. Therefore, Applicants respectfully submit that the claims of the present invention do not represent the same subject matter or invention as the claims of the ‘722 Patent.

From the specification, the minimization step is necessary to afford an optimal path selection. Techniques which do not incorporate such a minimization step may not achieve such an optimal path selection.

Accordingly, because the claims of the present invention are not directed at the same invention as the claims of the '722 Patent, Applicants respectfully request withdrawal of the double-patenting rejection and allowance of claims 1-26.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

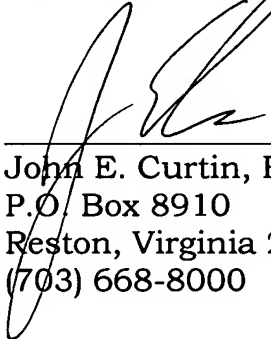
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKET, & PIERCE, P.L.C.

By



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